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EXAMINER	
MORRISON, JAY A	
ART UNIT	PAPER NUMBER
2168	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/602,498	FEDOROV, VLADIMIR D.	
	Examiner	Art Unit	
	Jay A. Morrison	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,24,42,43 and 45-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,24,42,43 and 45-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. Claims 1-10,24,42-43,45-54 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4,10,24,42,51-52,54 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Meno et al. ('De Meno' hereinafter) (Patent Number 6,721,767) in view of Traversat et al. ('Traversat' hereinafter) (Patent Number 6,161,125).

As per claim 1, De Meno teaches

"based upon a request from a user or a selection from the software application, generating changes to the software application's ... ; updating a configuration store by storing therein the changed application ... of the software application to maintain a history of one or more ... changes for the software application" (column 2, lines 1-10; column 3, line 50 through column 4, line 18);

"retrieving the stored package when it desirable to revert the ... of the software application back to a state that existed prior to the changes in the ... so that the software application will be capable of operating on data in the same manner as the software application did with the previous ... that were used by the application software" (column 5, line 59 through column 6, line 9);

"and using the contents of the package and the changes to the ... of the software application uniquely identified by the package to revert the ... back to the configuration settings that existed prior to the changes identified by the package so the software application will thereafter be configured to operate on data in the same manner as the software application did prior to such changes" (application specific rollback software, column 4, lines 1-18).

De Meno does not explicitly indicate "generating a package that uniquely identifies the contents of the package and the changes to the software application's configuration settings so that the package will then be later recalled and used when reverting the configuration settings of the software application back to a state that existed prior to the changes in the configuration settings".

However, Traversat discloses "generating a package that uniquely identifies the contents of the package and the changes to the software application's configuration settings so that the package can be later recalled and used when reverting the configuration settings of the software application back to a state that existed prior to the changes in the configuration settings" (column 12, lines 1-15);

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Traversat because using the steps "generating a package that uniquely identifies the contents of the package and the changes to the software application's configuration settings so that the package can be later recalled and used when reverting the configuration settings of the software application back to a state that existed prior to the changes in the configuration settings" would have given those skilled in the art the tools to improve the invention by allow users who must use different client computers at different locations to maintain personal preferences to the application and configuration data. This gives the user the advantage of having their configuration preferences saved for future use on many different computers.

De Meno does not explicitly indicate "storing the package in a software application configuration log".

However, Traversat discloses "storing the package in a software application configuration log" (column 6, lines 32-51);

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Traversat because using the steps "storing the package in a software application configuration log" would have given those skilled in the art the tools to improve the invention by allowing administrators to manage configurations on a server. This gives the user the advantage of having a centralized repository for all saved configurations.

De Meno does not disclose "configuration settings".

However, Traversat discloses "configuration settings" (configuration information, column 6, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Traversat because using the steps "the configuration settings" would have given those skilled in the art the tools to improve the invention by having a system which supports distributed management of client configurations. This gives the user the advantage of being able to have the ability to have a backup source for configuration settings.

As per claim 2, De Meno teaches

"using the contents of the package to revert ... comprises calling a reversion routine and passing at least a portion of the contents of the package to the routine" (application specific rollback software, column 4, lines 1-18)

"and wherein the routine displays a link that gives user instructions on procedural steps to perform in order to revert to the previous configuration setting" (help button, column 6, lines 1-9).

De Meno does not explicitly indicate "the configuration settings".

However, Traversat discloses "the configuration settings" (configuration information, column 6, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Traversat because using the steps "the configuration settings" would have given those skilled in the art the tools to improve the

invention by having a system which supports distributed management of client configurations. This gives the user the advantage of being able to have the ability to have a backup source for configuration settings.

As per claim 3, De Meno teaches

"the routine automatically reverts to the application's previous configuration setting" (information retrieval processor, column 4, lines 1-26).

As per claim 4, De Meno teaches

"the reversion which occurs when using the contents of the package to revert ... back to the application's previous ... is one of an undo, redo or rollback operation" (column 4, lines 1-18).

De Meno does not explicitly indicate "the configuration settings ... configuration setting".

However Traversat discloses "the configuration settings ... configuration setting" (configuration information, column 6, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Traversat because using the steps "the configuration settings ... configuration setting" would have given those skilled in the art the tools to improve the invention by having a system which supports distributed management of client configurations. This gives the user the advantage of being able to have the ability to have a backup source for configuration settings.

As per claim 10, De Meno teaches

"using the contents of the package to revert ... back to the configuration settings that existed prior to the changes identified by the package comprises displaying a representation of the ... within one or more user interfaces for viewing and selections and wherein at least one of the one or more user interfaces is a browser" (column 5, line 39 through column 6, line 9).

De Meno does not explicitly indicate "the configuration settings ... application configuration information".

However, Traversat discloses "the configuration settings ... application configuration information" (configuration information, column 6, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Traversat because using the steps "the configuration settings ... application configuration information" would have given those skilled in the art the tools to improve the invention by having a system which supports distributed management of client configurations. This gives the user the advantage of being able to have the ability to have a backup source for configuration settings.

As per claim 24, De Meno teaches

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

As per claim 42, De Meno teaches

"based upon a request from a user or a selection from the software application, generating changes to the software application's" (column 2, lines 1-10);

"updating a configuration store by storing therein the changed application ... of the software application to maintain a history of one or more ... changes for the software application" (column 3, lines 50-67);

"generating a package that uniquely identifies the contents of the package and the changes to the software application's configuration settings so that the package will then be later recalled and used when reverting the configuration settings of the software application back to a state that existed prior to the changes in the configuration settings, the package comprising, a header portion including at least one of a title of the changes made a name of the application software, the date and the time of the configuration changes, and an application payload portion containing: data used in assisting in reverting the software application to its previous configuration setting prior to the chances" (column 3, lines 50-67; column 5, line 40 through column 6, line 9; note: the filename is title, date and time is stored with file, and all are included in the header of the file);

"storing the package in a software application configuration log which comprises, a log store used to store the package" (index, column 3, lines 50-67) ", and a user interface (UI) to browse the stored log to display the information contained in the header portion of the package so that a history of configuration changes are viewed and changes of interest are selected to use in reverting the software application to at least

some of the prior ... that existed prior to the changes reflected in the package" (column 5, line 39 through column 6, line 9);

"retrieving the stored package when it desirable to revert at least some of the ... of the software application back to a state that existed prior to the changes in the configuration settings so that the software application will be configured to operate operating on data in the same manner as the software application did with the at least some previous ... that were used by the application software" (column 4, lines 1-18);

"viewing the header portion of the package and selecting from the history of configuration changes therein at least some changes to be reverted" (column 5, lines 39 through column 6, line 9);

"and using the contents of the package and the application payload portion thereof to revert at least the selected changes of the ... back to the configuration settings that existed prior to the changes so the software application will thereafter be configured to operate on data in the same manner as the software application did prior to such changes" (column 4, lines 1-18).

De Meno does not disclose "configuration settings".

However, Traversat discloses "configuration settings" (configuration information, column 6, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Traversat because using the steps "the configuration settings" would have given those skilled in the art the tools to improve the invention by having a system which supports distributed management of client

configurations. This gives the user the advantage of being able to have the ability to have a backup source for configuration settings.

As per claim 51,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 42 and is similarly rejected.

As per claim 52, De Meno teaches

"displaying a graphical user interface, the graphical user interface including filtering functionality for filtering application ... based on a per application basis such that ... can be selected, and wherein retrieving the stored package is performed in response to a user selection of an application from the graphical user interface" (column 5, line 39 through column 6, line 9).

De Meno does not explicitly indicate "configuration information ... configuration information for a specific application".

However, Traversat discloses "configuration information ... configuration information for a specific application" (configuration information, column 6, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Traversat because using the steps "configuration information ... configuration information for a specific application" would have given those skilled in the art the tools to improve the invention by having a system which supports distributed management of client configurations. This gives the user the

advantage of being able to have the ability to have a backup source for configuration settings.

As per claim 54, De Meno teaches

"generating changes to the software application's configuration settings is performed while the application is not being executed" (column 2, lines 5-15).

4. Claims 5-9,43,45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Meno et al. ('De Meno' hereinafter) (Patent Number 6,721,767) in view of Traversat et al. ('Traversat' hereinafter) (Patent Number 6,161,125), and further in view of Hammack et al. ('Hammack' hereinafter), US Patent 6,449,624.

With respect to claim 5,

De Meno teaches "that is passed to the routine for reverting to the application's previous configuration" (application specific rollback software, column 4, lines 1-18).

De Meno does not explicitly indicate "the application configuration information is XML data comprising a header portion and an application portion, wherein the header portion comprises data used in the displaying a representation of the application configuration information, and wherein the application portion comprises data."

However, Hammack teaches "the application configuration information is XML data comprising a header portion and an application portion, wherein the header portion

comprises data used in the displaying a representation of the application configuration information, and wherein the application portion comprises data" (XML configuration version data, column 21, lines 33-57, and column 22, lines 36-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Hammack because using the steps "the application configuration information is XML data comprising a header portion and an application portion, wherein the header portion comprises data used in the displaying a representation of the application configuration information, and wherein the application portion comprises data" would have given those skilled in the art the tools to improve the invention by allowing information to be described using a standardized markup language. This gives the user the advantage of being able to have the ability to quickly and easily distinguish, segment, and/or process the data.

With respect to claim 6,

De Meno does not explicitly disclose "the header data used in the displaying a representation of the application configuration information is selected from at least one of a title, application name, date or time."

However, Hammack teaches "the header data used in the displaying a representation of the application configuration information is selected from at least one of a title, application name, date or time" (version control data including date and time, column 23, line 64 through column 24, line 23, and figure 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Hammack because using the steps "the header data used in the displaying a representation of the application configuration information is selected from at least one of a title, application name, date or time" would have given those skilled in the art the tools to improve the invention by allowing important information insured to be included. This gives the user the advantage of being able to have the ability to have minimum information available so that required processing can be accomplished.

With respect to claim 7,

De Meno does not explicitly indicate "the header portion further comprises the reversion routine called."

However, Hammack teaches "the header portion further comprises the reversion routine called" (XML containing initial or root module, column 22, lines 16-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Hammack because using the steps "the header portion further comprises the reversion routine called" would have given those skilled in the art the tools to improve the invention by allowing the appropriate reversion routine to be called. This gives the user the advantage of being able to have the ability to have one of a multitude of reversion routines to be called.

With respect to claim 8,

De Meno does not explicitly indicate "the header portion further comprises a pointer to the reversion routine called."

However, Hammack teaches "the header portion further comprises a pointer to the reversion routine called" (linked function blocks, column 6, lines 51-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Hammack because using the steps "the header portion further comprises a pointer to the reversion routine called" would have given those skilled in the art the tools to improve the invention by allowing the appropriate reversion routine to be called. This gives the user the advantage of being able to have the ability to have one of a multitude of reversion routines to be called.

With respect to claim 9,

De Meno does not explicitly indicate "routine calls one or more other routines."

However, Hammack teaches "routine calls one or more other routines" (module element optionally containing element nodes that contain additional elements to extract configuration information, column 22, lines 16-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Hammack because using the steps "the header portion further comprises the reversion routine called" would have given those skilled in the art the tools to improve the invention by allowing the configuration routine to call any number of reversion routines instead of just one. This gives the user the advantage of

being able to have the ability to not be limited to executing a single task in order to rebuild configuration information.

As per claim 43,

De Meno does not explicitly indicate "the package of information is XML data".

However, Hammack discloses "the package of information is XML data" (XML document, column 21, lines 33-65, and column 22, lines 36-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Hammack because using the steps "the application configuration information is XML data comprising a header portion and an application portion, wherein the header portion comprises data used in the displaying a representation of the application configuration information, and wherein the application portion comprises data" would have given those skilled in the art the tools to improve the invention by allowing information to be described using a standardized markup language. This gives the user the advantage of being able to have the ability to quickly and easily distinguish, segment, and/or process the data.

As per claim 45,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 8 and is similarly rejected.

As per claim 46,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 8 and is similarly rejected.

As per claim 47,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 9 and is similarly rejected.

As per claim 48, De Meno teaches

"the reversion routine displays a link that gives user instructions on procedural steps to perform in order to revert to the previous configuration setting" (column 6, lines 1-9).

As per claim 49, De Meno teaches

"the reversion routine automatically reverts to the application's previous configuration setting" (column 4, lines 1-26).

As per claim 50,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 4 and is similarly rejected.

5. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Meno et al. ('De Meno' hereinafter) (Patent Number 6,721,767) in view of Traversat et

al. ('Traversat' hereinafter) (Patent Number 6,161,125) and further in view of Smetters et al. ('Smetters' hereinafter) (Publication Number 2004/0088548).

As per claim 53,

Neither De Meno or Traversat explicitly indicate "encrypting the package".

However, Smetters discloses "encrypting the package" (paragraph [0056]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno, Traversat and Smetters because using the steps "encrypting the package" would have given those skilled in the art the tools to improve the invention by ensuring that the package is not readable by others. This gives the user the advantage of being sure that critical information is secure.

Response to Arguments

6. Applicant's arguments filed 12/20/06 have been fully considered but they are not persuasive.

In response to Applicant's argument that the motivation to combine De Meno and Traversat, in the Office Action sent 9/20/2006, does not fall into any of the three categories specified in MPEP 2143.01, it is respectfully submitted that the references can be combined using any of the three sources.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, with respect to combining references based on the nature of the problem to be solved and teaching of the prior art, both De Meno and Traversat are directed towards storing backup configurations. In De Meno, rollback software stores the state of applications based on user profiles (column 3, lines 50-55; column 4, lines 19-25). In Traversat, a server provides backup storage for client configuration information (column 7, lines 37-45). Therefore, the nature of the problem solved and the teaching of the prior art requirements for motivations are both met.

Further, it is respectfully submitted the knowledge of persons of ordinary skill in the art, given the De Meno and Traversat references, could have combined the above references, in the ways defined in the instant Office Action, to described the claims as written. The software components are pluggable and adaptable and it would be useful for the aforementioned references to be combined as disclosed.

Therefore it is respectfully submitted that the requirements of MPEP 2143.01 for combining the De Meno and Traversat references have met all of the requirements motivating combination.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record, listed on form PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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